

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

KEITH ELLISON, et al., )  
                                )  
Plaintiffs                 )  
                                ) CIVIL ACTION NUMBER  
and                         )  
                                ) 5:63-CV-00613-MHH  
UNITED STATES OF AMERICA )  
                               )  
Plaintiff-Intervenor,     )  
                               )  
v.                         )  
                               )  
MADISON COUNTY BOARD OF )  
EDUCATION,                 )  
                               )  
Defendant.                 )

**MEMORANDUM OPINION AND ORDER**

Consistent with its obligations under the desegregation order that governs this action, the Madison County Board of Education seeks court approval for a proposed grade reconfiguration for its New Hope Elementary School and its New Hope High School. (Doc. 183). Neither the private plaintiffs nor the United States opposes the Madison County Board's motion regarding grade reconfiguration. (Doc. 183, p. 10).

The Court must examine the Board's proposal to determine whether the proposal will advance, or at least do no harm, to the goals of this public school

desegregation case. *See Green v. County School Bd. of New Kent Cnty.*, Va., 391 U.S. 430, 436 (1968), and *Freeman v. Pitts*, 503 U.S. 467, 489 (1992) (explaining that in a public school desegregation case, “the court’s end purpose” is “to remedy the [constitutional] violation” and ensure that the district has transitioned to “a unitary, nonracial system of public education” so that the court may “restore [to] state and local authorities” the control of their public schools).

The Madison County Board bears the burden of establishing that the proposed grade reconfigurations neither perpetuate nor reestablish a dual school system. On the record before the Court, the Board has met its burden.

New Hope Elementary School currently includes grades Pre-K – 8, and New Hope High School includes grades 9 – 12. New Hope Elementary School is a feeder school to New Hope High School, and both schools are located on one campus. The Madison County Board is in the process of constructing a building for the 7<sup>th</sup> and 8<sup>th</sup> grades on the New Hope campus. The Board proposes reconfiguring New Hope Elementary School to a Pre-K – 6 school and New Hope High School to a 7 – 12 high school.

For several academic, programmatic, and economic reasons unrelated to desegregation, the Madison County Board wishes to adjust the grade configurations in the New Hope attendance zone. Because the Madison County Board wishes to make these changes for reasons other than desegregation, the

Court does not evaluate the overall wisdom of the proposals but instead considers only the constitutional ramifications of the proposed changes.

The Madison County Board's proposed changes to New Hope Elementary School and New Hope High School will not impact the Board's efforts to comply with its desegregation obligations because the racial composition of the student bodies of the reconfigured schools will be nearly identical to the racial composition of the student bodies at the schools in their existing configurations. (*See Doc. 183, pp. 7–8*). For example, the student body of New Hope High School currently is 79.84% White and 3.49% Black. (Doc. 183, p. 8). If approved as proposed, the student population at New Hope High School will be 78.50% White and 4.12% Black. (Doc. 183, p. 8). Although the reconfiguration appears to do little to advance the goals of this action, the reconfiguration does no harm. Therefore, the Court approves the Board's request to change the grade configuration for New Hope Elementary School and New Hope High School.

For the reasons discussed above, the Court grants the Madison County Board's Motion for Approval of Grade Configuration – New Hope Schools. (Doc. 183). The Board may implement the proposals discussed in that motion for the 2020–21 school year.

**DONE** and **ORDERED** this May 12, 2020.



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**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE